

Serial No.: To Be Assigned

Attorney Docket No.: 02811-0151US (42368-258915)

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In the Claims:

Prior to examination of the above-referenced patent application, please cancel Claims 1-18 and add the following claims:

19. (New) A composition comprising *Mycobacterium phlei* DNA (M-DNA) and a chemotherapeutic agent, wherein the M-DNA potentiates the anti-cancer activity of the chemotherapeutic agent in treating cancer in an animal having cancer.

20. (New) A composition comprising *Mycobacterium phlei* cell wall (MCC) and a chemotherapeutic agent, wherein the MCC potentiates the anti-cancer activity of the chemotherapeutic agent in treating cancer in an animal having cancer.

21. (New) A composition comprising *Mycobacterium phlei* DNA (M-DNA) preserved and complexed on *Mycobacterium phlei* cell wall (MCC) wherein the composition is useful in treating cancer in an animal having cancer.

22. (New) The composition of Claim 21, further comprising a chemotherapeutic agent.

23. (New) The composition of Claim 22, wherein the chemotherapeutic agent is selected from the group consisting of DNA cross-linking agents, DNA depolymerizing agents and antimetabolic agents.

24. (New) A method of treating cancer comprising administration of the composition of Claim 19 and a pharmaceutically acceptable carrier to an animal having cancer.

25. (New) A method of treating cancer comprising administration of the composition of Claim 20 and a pharmaceutically acceptable carrier to an animal having cancer.

26. (New) A method of treating cancer comprising administration of the composition of Claim 21 and a pharmaceutically acceptable carrier to an animal having cancer.

27. (New) The method of Claim 24, wherein the composition induces cell cycle arrest in cells of the cancer, inhibits proliferation of cells in the cancer or induces apoptosis in cells of the cancer.

28. (New) The method of Claim 25, wherein the composition induces cell cycle arrest in cells of the cancer, inhibits proliferation of cells in the cancer or induces apoptosis in cells of the cancer.

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29. (New) The method of Claim 26, wherein the composition induces cell cycle arrest in cells of the cancer, inhibits proliferation of cells in the cancer or induces apoptosis in cells of the cancer.

30. (New) The method of Claim 24, wherein the cancer is selected from the group consisting of leukemia, lymphoma and melanoma.

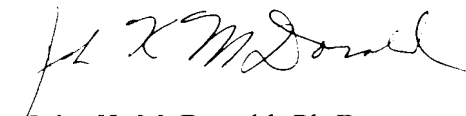
31. (New) The method of Claim 25, wherein the cancer is selected from the group consisting of leukemia, lymphoma and melanoma.

32. (New) The method of Claim 26, wherein the cancer is selected from the group consisting of leukemia, lymphoma and melanoma.

By this amendment, Claims 1-18 are cancelled and Claims 19-32 are added. There are now fourteen (14) claims pending in this case.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,


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